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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,594	09/25/2003	Yukinori Noguchi	2091-0298P	5681

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EXAMINER

NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
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2163

NOTIFICATION DATE	DELIVERY MODE
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06/27/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/669,594

Applicant(s)

NOGUCHI, YUKINORI

Examiner

Merilyn P. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/02/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed action.

DETAILED ACTION

1. In response to the communication dated 04/02/2007, claims 1, 2, 4-16 are active in this application as the result of the addition of claims 14-16.

2. This application claims priority of Japanese patent number 281513/2002 filed on 09/26/2002.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, “the original data and at least two sets of derivative data are managed as **a tree structure**” which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 15 and 16, there is insufficient antecedent basis for “other derivative data”. Is “other derivative data” the same as “another derivative data”?

Claims 15 and 16 are indefinite in that it fails to point out what is included or excluded by the claim language. For example, claim 15 recites, “**another derivative data which is generated through editing processing on said derivative data** derived from the original data” and then later recites “editing information representing the content of the editing processing to **generate said other derivative data from the original data**”. Thus, the claim is unclear as to whether another derivative data is generated from the derivative data or from the original data. And, claim 16 recites, “**another derivative data which is generated through editing processing on the original data**” and then later recites, “editing information representing the content of the editing processing to **generate said other derivative data from said derivative data**”. Thus, the claim is unclear as to whether another derivative data is generated from the derivative data or from the original data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Meek (US 7,092,969).

Regarding claims 1, 2 and 4, Meek discloses a data management method, a data management apparatus, and a computer readable recording medium storing thereon a program, for managing original data and derivative data by relating the original data and derivative data, the derivative data being generated through editing processing on the original data (See Figs 0-4, and columns 9-10), the data management method comprising the steps of:

- generating link information for linking the original data and the derivative data and editing information (transformation information) representing the content of the editing processing (See col. 6, lines 12-25); and
- attaching the link information and the editing information to the derivative data as accompanying information (tag) thereof (See Abstract, and col. 6, lines 12-25 and col. 8, line 62 to col. 9, line 17).

Meek is silent as to attaching the link information and the editing information to the original data. Instead Meek teaches updating source image metadata (See col. 10, lines 44-48).

However, one having ordinary skill in the art would have recognized that attaching the link information and the editing information to both the derivative data and the original data as accompany information (tag) thereof can be applied to the system of Meek. Meek attaches the link information and the editing information to the derivative data so that the original data can be found. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to attaching the link information and the editing information to the original data so that the derivative data can also found. The motivation would have been to enhance the flexibility of Meek system so that both original data and derivative data can be bi-directional related to each other.

Meek also discloses accompanying information generation means and accompanying information attaching means (Fig. 3).

Regarding claim 5, Meek discloses wherein the accompanying information is inseparably attached to each of the original data and the derivative data as addressed above and col. 6, lines 12-25).

Regarding claim 6, Meek discloses the editing processing includes at least one of copying for generating the derivative data that have exactly the same content as the original data, processing for obtaining the derivative data by modifying the original data (See col. 9, line 55 to col. 10, line 14), and image processing on the original data in the case where the original data are image data (See col. 9, line 55 to col. 10, line 14).

Regarding claim 7, Meek discloses the copying processing includes processing for sending the original data from a system in which the original data are stored to another system (See col. 8, line 7, lines 38-40 and 63-65).

Regarding claim 8, Meek discloses wherein the copying processing includes processing for sending the original data from a computer having the original data (server's database 22) to another computer connected to the computer through one of a network and a serial connection (See Fig. 0 and col. 7, lines 55-65).

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Regarding claim 9, Meek discloses wherein the network includes one of a LAN and a WAN such as the Internet (See col. 7, lines 25-28).

Regarding claim 10, Meek discloses wherein the link information is information that enables a user to directly or indirectly refer to either of the original data and the derivative data from the other data (see Abstract and col. 9, lines 1-5).

Regarding claim 11, Meek discloses wherein the link information includes the name of the other data, and wherein the link information further includes at least one of a location of a location of the other data and a pointer indicating the location thereof (See col. 6, lines 15-46).

Regarding claim 12, Meek discloses wherein the pointer is the URL of the derivative data in the case where the derivative data are stored in a Web server (See col. 6, lines 6, lines 26-35).

Regarding claim 13, Meek discloses wherein the accompanying information is attached to each of the original data and the derivative data by using one of a method of describing the accompanying information in header information in each of the original data and the derivative data, a method of describing the accompanying information in tag information of each of the original data and the derivative data if the original data and the derivative data are image data (See col. 6, lines 13- 25) and a method of writing accompanying information generated according to an XML in a predetermined area of each of the original data and the derivative data.

Response to Arguments

6. Applicant's arguments filed 04/02/2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments are based on accompanying APPENDIX submitted on 04/02/2007. However, these drawings are not part of the specification, thus cannot be considered as relevant evidence to show the different between prior art and Applicant's invention.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

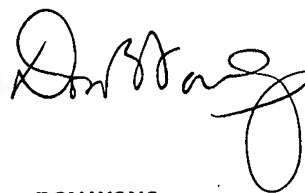
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MN
June 15, 2007



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100